

WESTERN DISTRICT OF OKLAHOMA

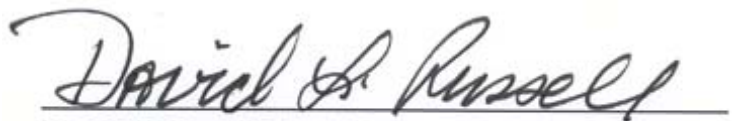
JOE K. RICHARDS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-15-216-R
)	
DEBORAH STAFFORD,)	
)	
Defendants.)	

ORDER

Mr. Richards filed this action seeking relief pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Charles B. Goodwin for preliminary review. On April 8, 2015, Judge Goodwin issued a Report and Recommendation wherein he recommended the action be dismissed without prejudice because Plaintiff's requested relief was that he be granted parole at this time. Mr. Richards has filed a timely objection to the Report and Recommendation, requesting that the Court redirect his lawsuit, which the Court construes as a motion to amend his complaint. Plaintiff is hereby granted leave to amend his complaint to either seek relief available under 42 U.S.C. § 1983 or to pursue habeas corpus under 28 U.S.C. § 2241 to challenge his prison disciplinary convictions, which he contends are unjust. Mr. Richards is hereby granted leave to amend to file a new complaint or a habeas corpus and should at that same time provide the appropriate filing fee or an application for leave to proceed *in forma pauperis*. These filings shall be provided not later than May 18, 2015. The Court hereby ADOPTS the Report and Recommendation and the initial complaint is hereby dismissed. The action shall not be

terminated by the Clerk unless Mr. Richards fails to fulfill his obligation to file either an amended complaint or a petition in a timely manner. Should Mr. Richards fail to fulfill his obligation the case may be terminated without further notice. This matter is hereby remanded to Judge Goodwin for further preliminary proceedings as required.

IT IS SO ORDERED this 29th day of April, 2015.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE